

REMARKS

The Examiner required that the invention be restricted to one of four species. The species identified by the Examiner include a first species represented by claims 26-32 and 36-37; a second species represented by claims 26 and 33-35; a third species represented by claims 26 and 38-39, and a fourth species represented by claims 26 and 40-42. It is noted, however, that:

“[c]laims are definitions of inventions. Claims are never species.” See MPEP §806.04(e).

and

“species are preferably identified as the species of figures 1, 2, and 3 or the species of examples I, II, and III, respectively. In the absence of distinct figures or examples to identify the several species, the mechanical means, the particular material, or other distinguishing characteristic of the species should be stated for each species identified. If the species can not be conveniently identified, the claims may be grouped in accordance with the species to which they are restricted.” See MPEP §809.02(a)(B).

In the present case, the Examiner did not identify the species with respect to the figures or examples set forth in applicant’s specification, or set forth any reasoning why applicant’s figures and examples are insufficient. As a result, the Examiner has not set forth a proper election of species requirement.

However, in an effort to further prosecution, and to satisfy the requirement that applicant must elect a single disclosed species, applicant elects the species identified by the Examiner as Embodiment I (claims 26-32 and 36-37). Thus, claims 26-32 and 36-37 are pending in this case, claims 33-35 and 38-42 has been withdrawn, and claims 1-25 have been cancelled.

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Applicant requests the Examiner's permission to correct FIG. 2C to correct the position of the cut plane as shown in red on a marked-up copy of FIG. 2C, which is attached in Appendix A. A replacement sheet for FIG. 2C is attached in Appendix B.

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RESPONSE TO ELECTION OF SPECIES
REQUIREMENT MAILED OCTOBER 19, 2005

Atty. Docket No. 100-22300
(P05613)



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APPENDIX A

RESPONSE TO ELECTION OF SPECIES
REQUIREMENT MAILED OCTOBER 19, 2005

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(P05613)

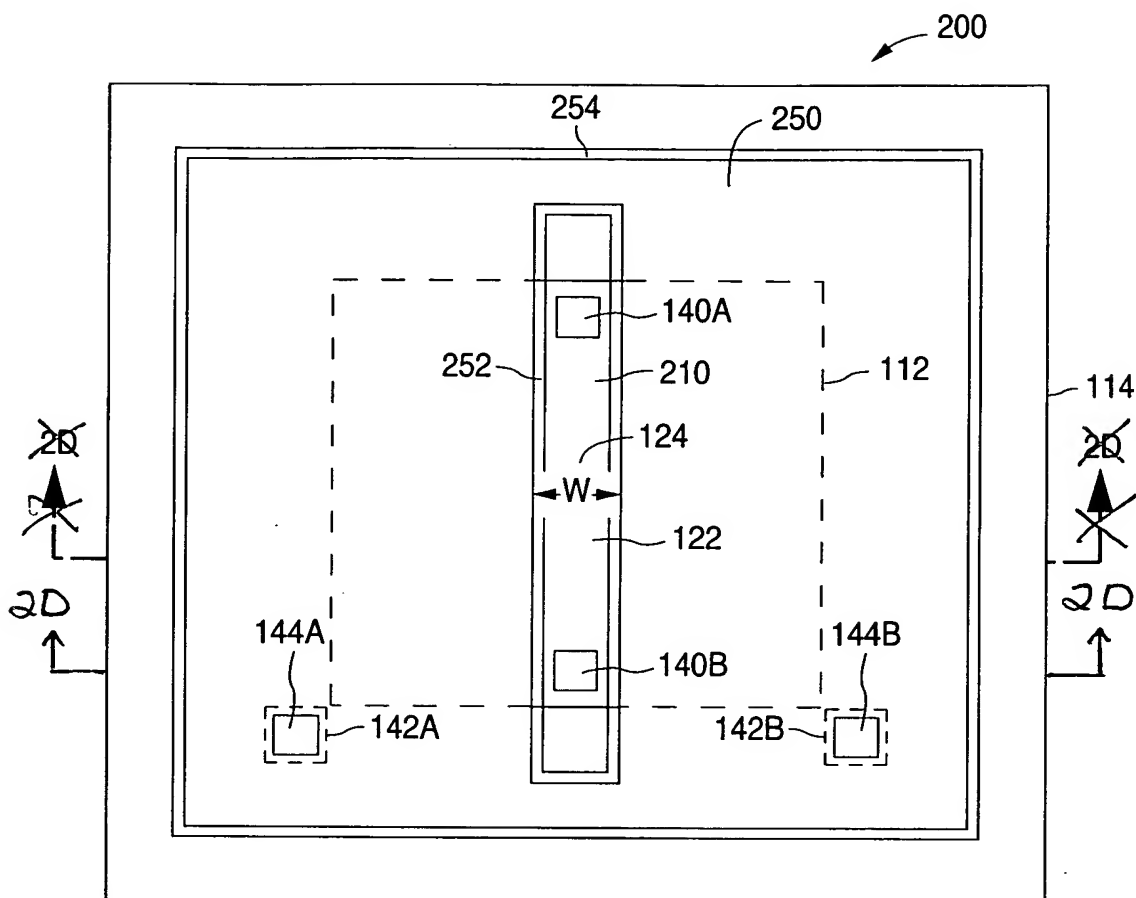


FIG. 2C

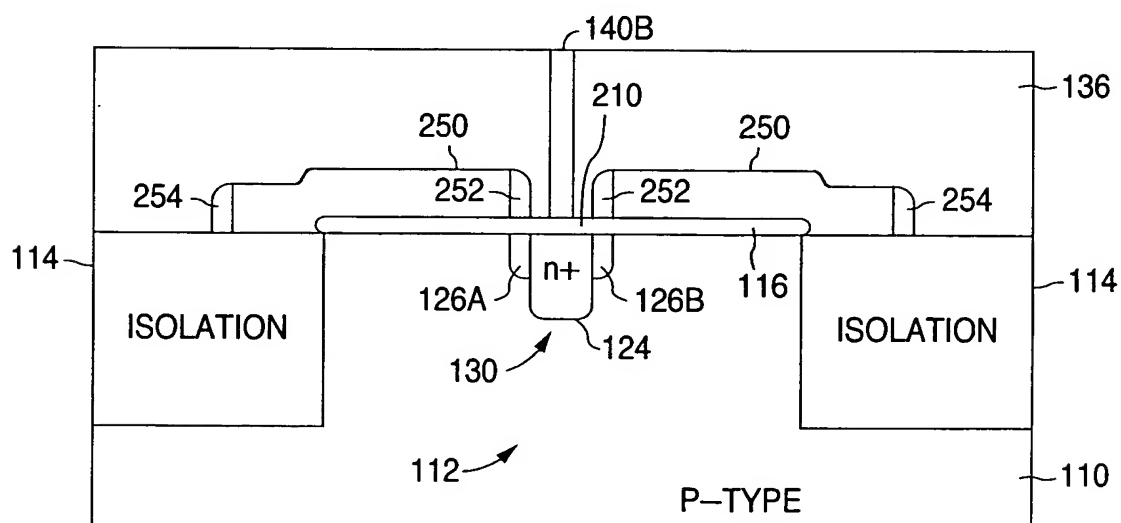


FIG. 2D

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APPENDIX B

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REQUIREMENT MAILED OCTOBER 19, 2005

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